

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
ALEJANDRO CAMPOS SANCHEZ  
MYRNA JULIA CORDERO SANCHEZ

DEBTOR (S)

CASE NO. 11-03986-BKT

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,474.00    Fees paid: \$0.00    Fees Outstanding: \$2,474.00</b>
--

With respect to the proposed (amended) Plan dated: **May 12, 2011** (Dkt 2). Plan Base: **69,600.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded : Plan fails to pay the "General Unsecured Pool" determined by Means Test. [§1325(b)(1)(B)] [B22C Line 58 X 60]

Debtors must amend Chapter 13 Statement of Monthly Income and Calculation of Commitment Period ("Means Test") to state that income received from business is \$9,272.67. Per the statement of income and expenses submitted by Debtors, that was the average gross income received in the six months prior to filing bankruptcy. This creates a general unsecured pool of \$36,720.00, which the plan is insufficient to pay. Minimum plan base must be, approximately, \$107,500.00.

- Fails Disposable Income Test : Unreasonable Expenses; Unwarranted payroll Deductions; Fails to use Income Tax refunds and Others. [§1322(a)(1) & §1325(b)(1)(B)]

Debtors must amend plan to state that all future tax refunds will be submitted to the Trustee to increase the base of the plan.

- Other/Comments

The November 2010 bank statement submitted by Debtors to the Trustee shows a deposit of \$19,422.00. On that same month, Debtors issued a check in the name of Mr. Campos in the amount of \$18,100.00. Such amounts were not mentioned in the statement of income and expenses for the month of November. This matter must be clarified in order to determine: (1) whether Debtors are submitting all their disposable income to fund the plan; and (2) good faith in the filing of the bankruptcy petition.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this October 13, 2011.

/s/ Alexandra Rodriguez -Staff Attorney

ARD

---

JOSE R. CARRION  
CHAPTER 13 TRUSTEE  
PO Box 9023884, San Juan, PR 00902-3884  
Tel. (787) 977-3535 Fax (787) 977-3550